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12 February 1990

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 4

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Algeria*, Cuba, Bahrain*, Bangladesh, Byelorussian SSR*, Democratic Yemen*, Egypt*, India, Iran*, Iraq, Jordan*, Kuwait*, Libyan Arab Jamahiriya*, Mauritania*, Morocco, Pakistan, Qatar*, Saudi Arabia*, Senegal, Somalia, Sudan*, Syrian Arab Republic*, Tunisia*, Ukrainian SSR, United Arab Emirates*, Union of Soviet Socialist Republics, Yemen* and Yugoslavia: draft resolution

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Human rights in the occupied Syrian Arab territories

The Commission on Human Rights,

Deeply concerned by the suffering of the population of Syrian and other Arab territories occupied by Israel since 1967 and by continued Israeli military occupation and that the human rights of the population continue to be violated,

Recalling Security Council resolution 497 (1981) of 17 December 1981, in which the Council, inter alia decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Arab Golan was null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision,

Recalling General Assembly resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/88 E of 10 December 1982, 38/79 F of 15 December 1983, 39/95 F of 14 December 1984, 40/161 F of 16 December 1985, 41/63 F of 3 December 1986, 42/160 F of 8 December 1987, 43/21 of 3 November 1988, 43/58 F of 6 December 1988 and 44/2 of 6 October 1989,

Recalling General Assembly resolution 3414 (XXX) of 5 December 1975 and other relevant General Assembly resolutions in which it, inter alia, demanded the immediate, unconditional and total withdrawal of Israel from all the Arab territories occupied since 1967,

Recalling General Assembly resolution 3314 (XXIX) of 14 December 1974 in which the Assembly defined an act of aggression,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Arab Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territories by force is inadmissible under the Charter of the United Nations and that all territories thus occupied by Israel must be returned,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli practices affecting the Human Rights of the Population of the Occupied Arab Territories (A/44/599) of 12 October 1989,

Recalling its resolution 1989/1 of 17 February 1989,

Recalling the Geneva Convention relative to the protection of Civilian Persons in Time of War, of 12 August 1949; and relevant provisions of The Hague Conventions of 1899 and 1907,

1. Strongly condemns Israel, the occupying Power, for its refusal to comply with the relevant resolutions of the General Assembly and the Security Council, particularly Council resolution 497 (1981) in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan was null and void and without international legal effect and demanded that Israel, the occupying Power, should rescind forthwtih its decision;

2. Condemns the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Arab Golan;

3. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the Syrian Arab Golan are null and void, and constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

4. Strongly condemns Israel of its attempt to impose forcibly Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Arab Golan and to impose a boycott on their agricultural products and call upon it to desist from its repressive measures against the population of the Syrian Arab Golan.

5. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to above;

6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations and the international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its forty-seventh session.

7. Decides to place on the provisional agenda of its forty-seventh session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

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UNITED NATIONS

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12 February 1990

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 9

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Brunei Darussalam*, Burundi*, Cameroun*, Colombia, Gambia, Malaysia*, Mauritania, Morocco, Nepal*, Oman*, Pakistan, Philippines, Senegal, Singapore*, Somalia, Swaziland, Thailand*, Togo* and Turkey: draft resolution

Situation in Cambodia

The Commission on Human Rights,

Recalling its resolutions 29 (XXXVI) of 11 March 1980, 11 (XXXVII) of 6 March 1981, 1982/13 of 25 February 1982, 1983/5 of 15 February 1983, 1984/12 of 29 February 1984, 1985/12 of 27 February 1985, 1986/25 of 10 March 1986, 1987/6 of 19 February 1987, 1988/6 of 22 February 1988 and 1989/20 of 6 March 1989 and Economic and Social Council decisions 1981/154 of 8 May 1981, 1982/143 of 7 May 1982, 1983/155 of 27 May 1983, 1984/148 of 24 May 1984, 1985/155 of 30 May 1985, 1986/146 of 23 May 1986, 1987/155 of 29 May 1987, 1988/143 of 27 May 1988 and 1989/156 of 24 May 1989.

Recalling that all General Assembly resolutions and all its resolutions reaffirm the inherent and inalienable right of the people of Cambodia to fundamental freedoms and human rights, in particular the right to self-determination,

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

READEX

Recalling once again General Assembly resolution 44/22 of 16 November 1989 which called, inter alia, upon all parties concerned to intensify all efforts towards ensuring that the Cambodian problem be resolved through a comprehensive political settlement, with effective guarantees,

Further recalling General Assembly resolution 44/22 of 16 November 1989 which affirms that any withdrawal of foreign forces from Cambodia without United Nations supervision, control and verification is not within the framework of a comprehensive political settlement,

Considering that a complete withdrawal of foreign forces must be verified by the United Nations,

Emphasizing that the effective and full enjoyment of human rights particularly the inalienable right to self-determination by the Cambodian people as well as the solution of humanitarian problems cannot be achieved without a comprehensive political settlement of the problem in Cambodia,

Greatly disturbed that the continuing conflict and instability in Cambodia have forced additional numbers of Cambodians to flee their own homeland as refugees and displaced persons outside Cambodia,

Expressing its deep appreciation to the host country Thailand, the donor countries, the United Nations and its agencies and other humanitarian organizations for facilitating and ensuring the effective and efficient provision of humanitarian relief assistance to those Cambodian displaced persons in border camps,

Emphasizing that it is the inalienable right of those Cambodians who have sought temporary refuge in neighbouring countries to return in safety, security and dignity,

Seriously concerned about reported demographic changes imposed in Cambodia as a result of foreign occupation, and which is a threat to the survival of the Cambodian people and culture,

Recognizing that the Jakarta Informal Meetings held in Indonesia from 25 to 28 July 1988 (A/43/493-S/20071) and from 19 to 21 February 1989 (A/44/138-S/20477 and Corr.1) have made a significant contribution towards achieving a comprehensive political settlement of the Cambodian problem,

Recognizing also that the First Ministerial Meeting of the Paris Conference on Cambodia, which met from 30 July to 30 August 1989, achieved progress in elaborating a wide variety of elements necessary for reaching a comprehensive settlement, although it was not yet possible to achieve a

comprehensive political settlement, and that the Conference should be reconvened in due time after consultations by the Co-Presidents, with the participants,

Recalling General Assembly resolution 44/22 in which the Assembly took note of the report of the Secretary-General in the implementation of General Assembly resolution 43/19 (A/44/670) as well as the report of the Ad Hoc Committee of the International Conference on Cambodia on its activities during 1988-1989 (A/CONF.109/15),

Noting the recent various proposals made as well as those by the five permanent members of the United Nations Security Council, as set out in the summary of conclusions issued in Paris on 16 January 1990, on an enhanced role of the United Nations,

1. Reiterates its condemnation of the persistent occurrence of gross and flagrant violations of human rights in Kampuchea as expressed in its resolutions adopted in the last ten years, namely; resolutions 29 (XXXVI), 11 (XXXVII), 1982/13, 1983/5, 1984/12, 1985/12, 1986/25, 1987/6, 1988/6 and 1989/20;

2. Emphasizes that the Cambodian people should be enabled to exercise their inalienable right to self-determination through free, fair and democratic elections under United Nations supervision;

3. Reiterates its conviction that the withdrawal of all foreign forces from Cambodia under supervision, control, and verification of the United Nations, the cessation of all outside military assistance, the creation of an interim administering authority, the promotion of national reconciliation among Cambodians under the leadership of Samdech Norodom Sihanouk, the non-return to the universally condemned policies and practices of a recent past, the restoration and preservation of the independence, sovereignty, territorial integrity and neutral and non-aligned status of Cambodia, the reaffirmation of the right of the Cambodian people to determine their own destiny and the commitment by all States to non-interference and non-intervention in the internal affairs of Cambodia, with effective guarantees, are the principal components of any just, lasting and comprehensive political settlement of the Cambodian problem;

4. Calls upon all parties concerned to intensify urgently all efforts towards assuring that the Cambodian problem be resolved through a comprehensive political settlement in order to end human rights abuses inflicted upon Cambodians and enable the Cambodian people to determine their

own future, to prevent further hostilities, subsequent loss of life and the continued suffering of the Cambodian people, and to ensure the independence, sovereignty, territorial integrity, neutral and non-aligned status of Cambodia, and the non-return to the universally condemned policies and practices of a recent past;

5. Expresses its strong conviction that the establishment and realization of a genuine, durable and lasting peace in Cambodia can be achieved only through the exercise by the Cambodian people of their inalienable rights and fundamental freedoms in conformity with the true intent, purpose and spirit of the principles of human rights;

6. Recommends that the Economic and Social Council at its first regular session of 1990 continue to consider, and in particular to undertake, appropriate measures aimed at the early implementation of relevant recommendations with a view to the achievement of the full enjoyment of the fundamental human rights and freedoms of the Cambodian people, particularly the inalienable right to self-determination;

7. Decides to keep the situation in Cambodia under review as a matter of high priority at its forty-seventh session under the agenda item "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 9

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Draft resolution submitted by the Chairman

Situation in Afghanistan

The Commission on Human Rights,

Recalling its resolution 1989/23 of 6 March 1989,

Bearing in mind that one of the fundamental purposes of the United Nations set forth in the Charter is to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

Reaffirming the purposes and principles of the Charter of the United Nations and the obligation of all States to refrain in their international relations from the threat or use of force against the sovereignty, territorial integrity and political independence of any State,

Noting the conclusion at Geneva, on 14 April 1988, of the Agreements on the Settlement of the Situation Relating to Afghanistan,

Welcoming the completion on 15 February 1989 of the withdrawal of foreign troops from Afghanistan in accordance with the Geneva Agreements,

Recalling General Assembly resolutions 43/20 of 3 November 1988 and 44/15 of 1 November 1989, in which the Assembly reaffirmed, inter alia, the inalienable right of all peoples to determine their own form of government and to choose their own economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever,

Gravely concerned at the situation in Afghanistan, which resulted from the violation of principles of the Charter of the United Nations and of the recognized norms of inter-State conduct,

Aware of the continuing concern of the international community over the suffering of the Afghan people and the magnitude of the social and economic problems posed to Pakistan and the Islamic Republic of Iran by the presence on their soil of millions of Afghan refugees,

Deeply conscious of the urgent need for a comprehensive political solution of the situation in respect of Afghanistan, on the basis of the free exercise of the right of self-determination by the people of Afghanistan,

1. Emphasizes the importance of the Agreements on the Settlement of the Situation Relating to Afghanistan, concluded at Geneva, on 14 April 1988, under United Nations auspices, which constitute an important step towards a comprehensive political solution of the Afghanistan problem;

2. Calls for the scrupulous respect for and faithful implementation of the Agreements by all parties concerned who should fully abide by their letter and spirit;

3. Expresses its appreciation to the Secretary-General for his constant efforts to achieve a political solution of the Afghanistan problem;

4. Reaffirms the right of the Afghan people to self-determination and to determine their own form of government and to choose their economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever;

5. Reiterates that the preservation of the sovereignty, territorial integrity, political independence and non-aligned and Islamic character of Afghanistan is essential for a peaceful solution of the Afghanistan problem;

6. Emphasizes the need for an early start of the intra-Afghan dialogue for the establishment of a broad-based government to ensure the broadest support and immediate participation of all segments of the Afghan people;

7. Calls upon all parties concerned to work for the urgent achievement of a comprehensive political solution and the creation of the necessary conditions of peace and normalcy which would enable the Afghan refugees to return voluntarily to their homeland in safety and honour;

8. Requests the Secretary-General to encourage and facilitate the early realization of a comprehensive political settlement in Afghanistan in accordance with the provisions of the Geneva Agreements and General Assembly resolution 44/15;

9. Renews its appeal to all States and national and international organizations to continue to extend humanitarian relief assistance with a view to alleviating the hardship of the Afghan refugees, in co-ordination with the United Nations High Commissioner for Refugees;

10. Calls upon all States to provide adequate financial and material resources to the Co-ordinator for United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan for the purposes of the speedy repatriation and rehabilitation of the Afghan refugees in their country, as well as for its economic and social reconstruction;

11. Decides to consider this matter at its forty-seventh session under the agenda item, "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

France: draft resolution

The human rights situation in Haiti

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that the Governments of all Member States are required to promote and protect human rights and fundamental freedoms,

Alarmed by the proliferation of acts of violence in Haiti, particularly against arrested or detained persons, and by the apparent inability of the Haitian judicial system to put an end to such acts,

Observing that the human rights situation in Haiti remains disturbing and even seems to have deteriorated since July 1989, particularly in rural areas,

Noting that the state of siege introduced on 20 January 1990 was lifted on 30 January and that a general amnesty for prisoners detained for attacks on the security of the State was announced on 7 February, but that many persons remain imprisoned or exiled and that, particularly because of the threats to their security, Haitians are not able to express their opinions freely and to participate under satisfactory conditions in the preparation of elections,

Taking account of the report of Mr. Philippe Texier, the Expert appointed by the Secretary-General (E/CN.4/1990/44 and Add. 1),

1. Expresses its appreciation to the Expert for his report and for the way in which he has discharged his mandate;

2. Welcomes the co-operation extended by the Haitian authorities to the Expert during his visit to Haiti from 25 July to 3 August 1989;

3. Notes, however, that the Haitian authorities have not acted upon the assistance proposals which he submitted to them under the advisory services programme;

4. Expresses the hope that the Haitian authorities will ensure that elections are held as scheduled and in appropriate conditions of honesty and security, under the supervision of impartial observers;

5. Requests the Haitian authorities to proceed forthwith to take the necessary measures to enable exiled opponents to return and to ensure their security, so that they can participate in preparing the elections;

6. Invites the Haitian Government to bring back into force the full Constitution of 29 March 1987, which was adopted in a referendum by an overwhelming majority;

7. Invites the Haitian Government to expedite the investigation into the principal massacres, particularly those of 29 November 1987 and 11 September 1988, and to bring those responsible to trial;

8. Further invites the Haitian Government to ratify the International Covenants and international conventions on human rights, in accordance with its undertaking of December 1988;

9. Requests the Chairman of the Commission on Human Rights to appoint a representative of the Commission to examine developments in the human rights situation in Haiti and to help to devise measures capable of making the necessary improvements;

10. Calls upon the Haitian authorities to co-operate fully with the Commission's representative;

11. Requests the Secretary-General to provide the Commission's representative with all necessary assistance in performing his task;

12. Requests the Commission's representative to report to it at its forty-seventh session on developments in the human rights situation in Haiti;

13. Decides to continue consideration of the situation in Haiti at its forty-seventh session under item 12 of its agenda, "Question of the violation of human rights and fundamental freedoms in any part of the world".

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 22

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

France and Peru: draft resolution

The human rights situation in Haiti

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that the Governments of all States Members of the United Nations are required to promote and protect human rights and fundamental freedoms,

Alarmed by the proliferation of acts of violence in Haiti, particularly against arrested or detained persons, and by the apparent inability of the Haitian judicial system to put an end to such acts,

Observing that the human rights situation in Haiti remains disturbing and even seems to have deteriorated since July 1989, particularly in rural areas,

Noting that the state of siege introduced on 20 January 1990 was lifted on 30 January and that a general amnesty for prisoners detained for attacks on the security of the State was announced on 7 February, but that many persons

remain imprisoned or exiled and that, particularly because of the threats to their security, Haitians are not able to express their opinions freely and to participate under satisfactory conditions in the preparation of elections,

Taking account of the report of Mr. Philippe Texier, the expert appointed by the Secretary-General (E/CN.4/1990/44 and Add. 1),

1. Expresses its appreciation to the expert for his report and for the way in which he has discharged his mandate;

2. Welcomes the co-operation extended by the Haitian authorities to the expert during his visit to Haiti from 25 July to 3 August 1989;

3. Notes, however, that the Haitian authorities have not acted upon the assistance proposals which he submitted to them under the advisory services programme;

4. Expresses the hope that the Haitian authorities will ensure that elections are held as scheduled and in appropriate conditions of honesty and security, under the supervision of impartial observers;

5. Requests the Haitian authorities to proceed forthwith to take the necessary measures to enable exiled opponents to return and to ensure their security, so that they can participate in preparing the elections;

6. Invites the Haitian Government to bring back into force the full Constitution of 29 March 1987, which was adopted in a referendum by an overwhelming majority;

7. Also invites the Haitian Government to expedite the investigation into the principal massacres, particularly those of 29 November 1987 and 11 September 1988, and to bring those responsible to trial;

8. Further invites the Haitian Government to ratify the International Covenants and international conventions on human rights, in accordance with its undertaking of December 1988;

9. Requests the Chairman of the Commission on Human Rights to appoint an independent expert to examine developments in the human rights situation in Haiti and to help to devise measures capable of making the necessary improvements;

10. Calls upon the Haitian authorities to co-operate fully with the independent expert;

11. Requests the Secretary-General to provide the independent expert with all necessary assistance in performing his task;

12. Requests the independent expert to report to it at its forty-seventh session on developments in the human rights situation in Haiti;

13. Decides to consider the report of the independent expert at its forty-seventh session under item 12 of its agenda, entitled "Question of the violation of human rights and fundamental freedoms in any part of the world".

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 15

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Angola*, Egypt*, Ethiopia, Ghana, Kenya*, Libyan Arab Jamahiriya*, Nigeria, Senegal, Sudan*, Swaziland and Tanzania*: draft resolution

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

The Commission on Human Rights,

Recalling General Assembly resolutions 41/103 of 4 December 1986, 42/56 of 30 November 1987, 43/97 of 8 December 1988, and 44/79 of 8 December 1989,

Recalling its resolutions 10 (XXXV) of 5 March 1979, 13 (XXXVI) of 26 February 1980, 6 (XXXVII) of 23 February 1981, 1982/10 of 25 February 1982, 1983/12 of 18 February 1983, 1984/7 of 28 February 1984, 1985/10 of 26 February 1985, 1986/7 of 28 February 1986, 1987/11 of 26 February 1987, 1988/14 of 29 February 1988 and 1989/8 of 23 February 1989,

Recalling its resolution 7 (XXXIV) of 22 February 1978, in which it called upon States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid to submit, in accordance with article VII of the Convention, their first report not later than two years after becoming parties to the Convention and their periodic reports at two-year intervals,

Having considered the report of the Group of Three members of the Commission appointed under article IX of the Convention (E/CN.4/1990/35),

Reaffirming its conviction that apartheid constitutes a total negation of the purposes and principles of the Charter of the United Nations, a gross violation of human rights and a crime against humanity, seriously threatening international peace and security,

Convinced that the crime of apartheid is a form of the crime of genocide,

Reaffirming the view that the activities of transnational corporations operating in South Africa perpetuate the crime of apartheid,

Reaffirming that it is the responsibility of the United Nations and the international community as a whole to assist the people of South Africa to eliminate apartheid,

Condemning the continued collaboration of certain States and transnational corporations with the racist régime of South Africa in the political, economic, military and other fields as an encouragement to the intensification of its odious policy of apartheid,

Expressing concern at the fact that only one State acceded to the Convention in 1989,

Reaffirming its conviction that ratification of, or accession to, the Convention on a universal basis and implementation of its provisions are necessary for its effectiveness and therefore will contribute to the eradication of the crime of apartheid,

Drawing attention to the need to strengthen the various mechanisms for combating apartheid, inter alia through the establishment of an international penal tribunal as provided for in article V of the Convention,

Reaffirming its conviction that the imposition of comprehensive, mandatory sanctions against the racist régime of South Africa is a peaceful means available to the international community for putting an end to the system of apartheid,

1. Takes note with appreciation of the report of the Group of Three set up under the International Convention on the Suppression and Punishment of the Crime of Apartheid, and in particular of the conclusions and recommendations contained in that report;

2. Welcomes the work done by the Group of Three in accordance with Commission resolution 1989/8;

3. Commends those States parties to the Convention that have submitted periodic reports, and calls upon those States parties that have not yet done so to submit their reports as soon as possible, in accordance with article VII of the Convention;

4. Requests the States parties to the Convention to continue to submit their initial reports not later than two years after the entry into force of the Convention for the States parties concerned and their periodic reports at four-year intervals, on the understanding that they may submit additional information to the Group at any time in the intervening period if they wish to do so;

5. Urges once again the States which have not yet done so to ratify or accede to the Convention without delay, especially those States which had jurisdiction over transnational corporations operating in South Africa;

6. Also urges all States to ratify the Convention on the Prevention and Punishment of the Crime of Genocide;

7. Recommends once again that all States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid should take full account of the general guidelines laid down by the Group of Three in 1978 for the submission of reports (E/CN.4/1286, annex);

8. Reiterates its recommendation to States parties to be represented when their country's report is to be considered by the Group of Three;

9. Draws the attention of all States to the opinion expressed by the Group of Three in its reports that transnational corporations operating in South Africa must be considered accomplices in the crime of apartheid, in accordance with article III (b) of the Convention;

10. Calls on all States whose transnational corporations continue to do business with South Africa to take all appropriate steps to terminate their dealings with South Africa;

11. Calls on States parties to strengthen their co-operation at the national and international level in order to implement fully the decisions taken by the Security Council and other competent United Nations bodies with a view to the prevention, suppression and punishment of the crime of apartheid, in accordance with article VI of the Convention and with the Charter of the United Nations;

12. Draws the attention of States parties to the desirability of disseminating further information on the Convention, the implementation of its provisions and the work of the Group of Three established under article IX of the Convention;

13. Notes the importance of measures to be taken by States parties in the field of teaching and education for fuller implementation of the Convention;

14. Appeals to all States, United Nations organs, specialized agencies and international and national non-governmental organizations to step up their activities in enhancing public awareness by denouncing the crimes committed by the racist régime of South Africa;

15. Requests the Secretary-General to invite States parties to the Convention to express their views on the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa;

16. Requests the Group of Three to continue, in the light of the views expressed by States parties to the Convention, the examination of the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, including legal action that may be taken under the Convention against transnational corporations whose operations in South Africa come under the crime of apartheid, and to report to the Commission at its forty-seventh session;

17. Requests the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratifications of or accessions to the Convention; and to give consideration to drawing up of model legislation which would serve the States parties as a guide for the implementation of the provisions of the Convention;

18. Decides that the Group of Three shall meet for a period of not more than five days before the forty-seventh session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention;

19. Requests the Secretary-General to provide all necessary assistance to the Group of Three.

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 15

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Angola*, Egypt*, Ethiopia, Ghana, Kenya*, Libyan Arab Jamahiriya*, Nigeria, Senegal, Sudan*, Swaziland, Tanzania* and Zimbabwe*: draft resolution

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

The Commission on Human Rights,

Recalling General Assembly resolutions 41/103 of 4 December 1986, 42/56 of 30 November 1987, 43/97 of 8 December 1988, and 44/79 of 8 December 1989,

Recalling its resolutions 10 (XXXV) of 5 March 1979, 13 (XXXVI) of 26 February 1980, 6 (XXXVII) of 23 February 1981, 1982/10 of 25 February 1982, 1983/12 of 18 February 1983, 1984/7 of 28 February 1984, 1985/10 of 26 February 1985, 1986/7 of 28 February 1986, 1987/11 of 26 February 1987, 1988/14 of 29 February 1988 and 1989/8 of 23 February 1989,

Recalling its resolution 7 (XXXIV) of 22 February 1978, in which it called upon States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid to submit, in accordance with article VII of the Convention, their first report not later than two years after becoming parties to the Convention and their periodic reports at two-year intervals,

Having considered the report of the Group of Three members of the Commission appointed under article IX of the Convention (E/CN.4/1990/35),

Reaffirming its conviction that apartheid constitutes a total negation of the purposes and principles of the Charter of the United Nations, a gross violation of human rights and a crime against humanity, seriously threatening international peace and security,

Convinced that the crime of apartheid is a form of the crime of genocide,

Reaffirming the view that the activities of transnational corporations operating in South Africa perpetuate the crime of apartheid,

Reaffirming that it is the responsibility of the United Nations and the international community as a whole to assist the people of South Africa to eliminate apartheid,

Condemning the continued collaboration of certain States and transnational corporations with the racist régime of South Africa in the political, economic, military and other fields as an encouragement to the intensification of its odious policy of apartheid,

Expressing concern at the fact that only one State acceded to the Convention in 1989,

Reaffirming its conviction that ratification of, or accession to, the Convention on a universal basis and implementation of its provisions are necessary for its effectiveness and therefore will contribute to the eradication of the crime of apartheid,

Drawing attention to the need to strengthen the various mechanisms for combating apartheid, inter alia through the establishment of an international penal tribunal as provided for in article V of the Convention,

Reaffirming its conviction that the imposition of comprehensive, mandatory sanctions against the racist régime of South Africa is a peaceful means available to the international community for putting an end to the system of apartheid,

1. Takes note with appreciation of the report of the Group of Three set up under the International Convention on the Suppression and Punishment of the Crime of Apartheid, and in particular of the conclusions and recommendations contained in that report;

2. Welcomes the work done by the Group of Three in accordance with Commission resolution 1989/8;

3. Commends those States parties to the Convention that have submitted periodic reports, and calls upon those States parties that have not yet done so to submit their reports as soon as possible, in accordance with article VII of the Convention;

4. Requests the States parties to the Convention to continue to submit their initial reports not later than two years after the entry into force of the Convention for the States parties concerned and their periodic reports at four-year intervals, on the understanding that they may submit additional information to the Group at any time in the intervening period if they wish to do so;

5. Urges once again the States which have not yet done so to ratify or accede to the Convention without delay, especially those States which had jurisdiction over transnational corporations operating in South Africa;

6. Also urges all States to ratify the Convention on the Prevention and Punishment of the Crime of Genocide;

7. Recommends once again that all States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid should take full account of the general guidelines laid down by the Group of Three in 1978 for the submission of reports (E/CN.4/1286, annex);

8. Reiterates its recommendation to States parties to be represented when their country's report is to be considered by the Group of Three;

9. Draws the attention of all States to the opinion expressed by the Group of Three in its reports that transnational corporations operating in South Africa must be considered accomplices in the crime of apartheid, in accordance with article III (b) of the Convention;

10. Calls on all States whose transnational corporations continue to do business with South Africa to take all appropriate steps to terminate their dealings with South Africa;

11. Calls on States parties to strengthen their co-operation at the national and international level in order to implement fully the decisions taken by the Security Council and other competent United Nations bodies with a view to the prevention, suppression and punishment of the crime of apartheid, in accordance with article VI of the Convention and with the Charter of the United Nations;

12. Draws the attention of States parties to the desirability of disseminating further information on the Convention, the implementation of its provisions and the work of the Group of Three established under article IX of the Convention;

13. Notes the importance of measures to be taken by States parties in the field of teaching and education for fuller implementation of the Convention;

14. Appeals to all States, United Nations organs, specialized agencies and international and national non-governmental organizations to step up their activities in enhancing public awareness by denouncing the crimes committed by the racist régime of South Africa;

15. Requests the Secretary-General to invite States parties to the Convention to express their views on the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa;

16. Requests the Group of Three to continue, in the light of the views expressed by States parties to the Convention, the examination of the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, including legal action that may be taken under the Convention against transnational corporations whose operations in South Africa come under the crime of apartheid, and to report to the Commission at its forty-seventh session;

17. Requests the Secretary-General to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission with relevant information concernng the types of the crimes of apartheid, as described in article II of the Convention, committed by transnational corporations operating in South Africa;

18. Requests the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratifications of or accessions to the Convention; and to give consideration to drawing up of model legislation which would serve the States parties as a guide for the implementation of the provisions of the Convention;

19. Decides that the Group of Three shall meet for a period of not more than five days before the forty-seventh session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention;

20. Requests the Secretary-General to provide all necessary assistance to the Group of Three.

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Agenda item 5

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA:
REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

Algeria*, Angola*, Botswana, Burundi*, Cameroon*, China, Côte d'Ivoire*, Cuba, Egypt*, Ethiopia, Gabon*, Gambia, Ghana, Iraq, Kenya*, Liberia*, Libyan Arab Jamahiriya*, Madagascar, Mauritania*, Morocco, Nigeria, Rwanda*, Sao Tome and Principe, Senegal, Somalia, Sudan*, Swaziland, Tanzania*, Togo*, Tunisia*, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia, Zaire* and Zimbabwe*:
draft resolution

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Detention, torture and other inhuman treatment of children in South Africa

The Commission on Human Rights,

Recalling its resolutions 1987/14 of 3 March, 1987, 1988/11 of 29 February 1988 and 1989/4 of 23 February 1989,

Recalling also General Assembly resolution 42/124 of 7 December 1987 and 43/134 of 8 December 1988, and 44/143 of 15 December 1989 adopted without a vote, in which the Assembly expressed its profound outrage at evidence of detention, torture and inhuman treatment of children in South Africa,

Recalling the relevant provisions of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child,

Having examined the report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1990/7) as well as the report of the Secretary-General (E/CN.4/1990/6),

Having also examined and taken note of Mr. de Klerk's statement of 2 February 1990,

Appalled at the continuing evidence that children in South Africa are subjected to detention, torture and inhuman treatment,

Gravely concerned about reports of the continuing repressive measures targeted on children in South Africa,

Noting with indignation the impotence of the South African judiciary and the degradation of its professional ethics,

Reiterating its position that apartheid is repugnant, immoral and constitutes an affront to human dignity,

1. Reiterates its vigorous condemnation of the detention, torture and inhuman treatment of children in South Africa;

2. Demands that South Africa lift forthwith the restrictions imposed on children, particularly, those released from detention and ensure their basic and legitimate freedoms of movement, association and education;

3. Demands also the immediate and unconditional release of all children held in detention;

4. Demands further the immediate and total termination of the state of emergency and the abrogation of all repressive and discriminatory legislation;

5. Requests all relevant United Nations bodies, specialized agencies and non-governmental organizations to launch a world-wide campaign aimed at drawing attention to, monitoring and exposing these inhuman practices;

6. Further demands the immediate and total abolition of the apartheid system and its replacement with a non-racial representative government based on the principle of universal suffrage;

7. Appeals to the international community to adopt concrete and effective measures to bring pressure to bear against the Government of South Africa until it dismantles apartheid and abandons all inhuman practices associated with this policy;

8. Requests the Ad Hoc Working Group of Experts on southern Africa to pay special attention to the question of detention, torture and other inhuman treatment of children in South Africa and report to the Commission on Human Rights at its forty-seventh session;

9. Requests the Secretary-General to provide every assistance to enable the Ad Hoc Working Group of Experts to discharge its responsibilities in accordance with the relevant provisions of the present resolution;

10. Further requests the Secretary-General to intervene with the Government of South Africa in order to bring to an end the detention, torture and other forms of inhuman treatment of children in South Africa and to report on the outcome of his efforts to the Commission on Human Rights at its forty-seventh session;

11. Requests the Secretary-General to bring the present resolution to the attention of the relevant United Nations bodies, specialized agencies and non-governmental organizations;

12. Decides to discuss at its forty-seventh session, under the agenda item "Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts", the question of detention, torture and other inhuman treatment of children in South Africa.

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IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

Algeria*, Angola*, Bangladesh, Brazil, Burundi*, Cameroon*, China, Colombia, Côte d'Ivoire*, Cuba, Egypt*, Ethiopia, Gabon*, Gambia, Ghana, Iran*, Iraq, Kenya*, Liberia*, Libyan Arab Jamahiriya*, Madagascar*, Mauritania*, Nicaragua*, Nigeria, Pakistan, Peru, Rwanda*, Sao Tome and Principe, Senegal, Somalia, Sudan*, Swaziland, Syrian Arab Republic*, Tanzania*, Togo*, Tunisia*, Ukrainian SSR, Union of Soviet Socialist Republics, Yugoslavia, Zaire*, Zimbabwe*: draft resolution

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

The Commission on Human Rights,

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex or religion,

Reaffirming its conviction that racism, racial discrimination and apartheid constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms, racial discrimination and apartheid,

Recalling its resolution 1989/9 of 23 February 1989,

Bearing in mind General Assembly resolution 39/16 of 23 November 1984 on the Second Decade to Combat Racism and Racial Discrimination, in which the Assembly invited the Commission on Human Rights to continue exercising vigilance in identifying actual or emergent situations of racism or racial discrimination, to draw attention to them where discovered and to suggest remedial measures,

Convinced of the need to take more effective and sustained international measures for the elimination of all forms of racism and racial discrimination and the total eradication of apartheid in South Africa and Namibia,

Noting with concern that, despite the efforts of the international community, the principal objectives of the First Decade for Action to Combat Racism and Racial Discrimination were not attained and that millions of human beings continue to this day to be the victims of varied forms of racism, racial discrimination and apartheid.

Recalling General Assembly resolution 44/52 of 8 December 1989, in which the Assembly noted with regret that the current situation of the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination was not encouraging and strongly appealed to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination.

Noting that the topic for thematic consideration in 1991 will be "ways and means of denying support to racist régimes with a view to making them change their policies",

Further taking note of the report of the Secretary-General (E/CN.4/1990/36),

1. Commends all States that have ratified or acceded to the relevant international instruments to combat racism and racial discrimination;

2. Appeals to those States that have not yet done so to take the necessary steps to ratify, accede to and implement the relevant international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the International Convention against Apartheid in Sports and the Convention against Discrimination in Education, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 December 1960;

3. Emphasizes again the importance of adequate recourse procedures for victims of racism and racial discrimination, and therefore requests once again the Secretary-General, in the light of the results of the seminars held on this topic, to prepare and finalize, with the assistance of experts in the field, a handbook of recourse procedures;

4. Invites all Governments and international and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and apartheid and to provide relief and assistance to the victims of these evils;

5. Urges all States and international organizations to co-operate with the Secretary-General in the implementation of those activities for the period 1985-1989 not yet undertaken (A/39/167-E/1984/33 and Add.1 and 2) and of the plan of activities for the period 1990-1993 listed in the annex to the General Assembly resolution 42/47 of 30 November 1987;

6. Strongly appeals to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination;

7. Requests the Secretary-General to inform the Commission on Human Rights of the meaures taken, pursuant to General Assembly resolution 42/47, to ensure the inclusion in the biennums 1990-1991 and 1992-1993 of sufficient resources to provide for implementation of the activities of the Second Decade;

8. Also requests the Secretary-General to inform the Commission on Human Rights annually of the progress made in carrying out the plan of activities for 1992-1993 so that the Commission can make its contribution thereto;

9. Takes note with satisfaction of General Assembly resolution 44/52, in which the Assembly reiterated its request to the Economic and Social Council to submit annual reports, throughout the Second Decade, to the Secretary-General on the activities undertaken or contemplated to achieve the objectives of the Second Decade;

10. Decides to give thematic consideration each year to a selected topic within the plan of activities for 1990-1993, as listed in the annex to the General Assembly resolution 42/47;

11. Recalls its resolution 1989/9, in which it decided that the topic for such thematic consideration in 1991 will be "ways and means of denying support to racist régimes with a view to making them change their policies";

12. Decides that the topic for 1992 will be "treatment of political prisoners and detainees in South Africa, particularly women and children";

13. Takes note with satisfaction of the study by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Asbjorn Eide, on the results achieved and the obstacles encountered during the first Decade for Action to Combat Racism and Racial Discrimination and the first half of the Second Decade (E/CN.4/Sub.2/1989/8 and Add.1), decides to transmit it to the General Assembly at its forty-fifth session and recommends that it be published and distributed on as wide a scale as possible;

14. Takes note also with satsifaction of the report of the seminar on cultural dialogue between the countries of origin and the host countries of migrant workers held at Athens from 18 to 26 September 1989 (E/CN.4/1990/50) and requests the Secretary-General to give it wide distribution among Governments, competent United Nations bodies, specialized agencies, other intergovernmental organizations and non-governmental organizations;

15. Invites the Secretary-General to ensure the effective implementation of those activities proposed for the first half of the Decade that have not yet been undertaken and to proceed with the implementation of the activities for the period 1990-1993 listed in the annex to General Assembly resolution 42/47;

16. Requests the Secretary-General to organize in 1990 a meeting of representatives of national institutions and organizations promoting tolerance and harmony and combating racism and racial discrimination with a view to exchanging experience on the promotion of such objectives;

17. Decides to consider the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination as a matter of high priority at its forty-seventh session.

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VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA:
REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

Algeria*, Angola*, Burundi*, China, Egypt*, Ethiopia, Gambia, Ghana, India, Kenya*, Libya*, Madagascar, Mauritania*, Nigeria, Rwanda*, Senegal, Somalia, Sudan*, United Republic of Tanzania*, Tunisia*, Yugoslavia, Zimbabwe*: draft resolution

Situation of human rights in South Africa

The Commission on Human Rights,

Recalling its resolutions 1986/4 of 28 February 1986, 1987/14 of 3 March 1987, 1988/9 of 29 February 1988 and 1989/5 of 23 February 1989,

Recalling General Assembly resolutions 39/15 of 23 November 1984 and 40/64 A to I of 10 December 1985 and Economic and Social Council resolution 1984/42 of 24 May 1984,

Recalling General Assembly resolution 33/165 of 20 December 1978, in which the Assembly recognized the right of all persons to refuse service in military or police forces used to enforce apartheid,

Having examined the interim report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1990/7),

Recognizing the value of the reports of the Ad Hoc Working Group of Experts in the efforts of the United Nations to expose and combat apartheid and gross violations of human rights in South Africa,

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Concerned about abductions and assassinations carried out by the South African régime against political refugees and members of the liberation movements in the neighbouring States,

Having examined and taken note of Mr. F.W. de Klerk's statement of 2 February 1990,

Noting that the gross and cruel violations of human rights under apartheid continue to take place in South Africa,

Outraged by South Africa's acts of violence, especually the use of army, the police and murder squads in the black African townships, where killings of defenceless men, women and children are committed,

Deeply concerned about racist South Africa's undeclared war of destabilization and aggression whether through direct aggression, sponsorship of surrogates, economic subversion or other means, against the neighbouring independent States, is unacceptable in all its forms and must stop,

Reiterating its conviction that the apartheid system in South Africa is the root cause of conflict in the sub-continent and that this atrocious policy constitutes a threat to international peace and security,

Noting that the South African people's legitimate struggle, by all means in accordance with the Charter of the United Nations and relevant United Nations resolutions, for a united, non-racial, democratic society should enjoy the full support of the international community,

Convinced that the maintenance of existing pressures including sanctions against South Africa, constitutes a peaceful means that can help to avert the outbreak of racial conflagration in the region,

Satisfied with the success scored by the oppressed people of South Africa in their united mass action to make the apartheid system unworkable,

Appreciating the world-wide momentum against apartheid and the consensus in favour of international pressures including sanctions against racist South Africa,

Appreciating the perseverance and steadfastness of the front-line States and their continuing supporting role to the liberation movements,

Noting the recent announcement by the South African régime to rescind the ban on the African National Congress of South Africa, the Pan-Africanist Congress of Azania and other political organizations,

Taking note with satisfaction of the Declaration on Apartheid and its Destructive Consequences in South Africa (A/Res/S-16/1) adopted by the sixteenth Special Session of the United Nations General Assembly on 14 December 1989,

1. Congratulates the Ad Hoc Working Group of Experts on the commendable and impartial manner in which it has prepared its interim report;

2. Expresses its profound indignation at the fact that apartheid remains institutionalized;

3. Denounces again the policy of "bantustanization", the forced removals of the black population, the policy of so-called "voluntary" removals and the policy of denationalization;

4. Affirms the conviction that apartheid cannot be reformed, but should be abolished in all its forms, and hence reaffirms its rejection of the so-called constitutional initiative, including the statutory advisory council, which falls short of accepting the "one man, one-vote" principle in a united, non-racial and democratic South Africa;

5. Demands that South Africa immediately and completely abolish the unjust and inhuman system of apartheid in all its forms;

6. Demands the complete removal of the State of emergency and an end to human rights violations which have been rampant since the State of emergency was imposed in 1986;

7. Welcomes the release of Nelson Mandela, demands the immediate and unconditional release of all political prisoners, as well as detainees and calls on the South African régime to refrain from imposing any restrictions on them;

8. Calls on South Africa to permit a free and fair political climate, to desist from harassment, intimidation of organizations and individuals engaged in the legitimate struggle against the apartheid policies;

9. Demands a complete elimination of the apartheid judicial and penal system, the removal of troops from the townships and the dismantling of bantustans;

10. Further demands the unconditional return of political refugees and members of the liberation movements based outside South Africa and their unimpeded participation in political activities;

11. Strongly condemns South Africa for its indiscriminate use of force against unarmed demonstrators and its widespread use of torture and other forms of inhuman and degrading treatment against political opponents;

12. Calls on South Africa to respect international standards on trade union rights in respect of black trade unions and particularly to desist from harassing, intimidating, arresting and maltreating black trade union leaders;

13. Commends all movements and mass organizations of South Africa for their resistance and united action to make the apartheid system unworkable;

14. Demands that South Africa take immediate steps to rescind restrictions on all educational organizations and to ensure that all South Africans are afforded the opportunity of access to a unified, educational system designed to be consistent with the development of a profound appreciation of the brotherhood of mankind, liberty and peace;

15. Condemns South Africa for its military pressures and other acts of aggression towards the front-line States and for its support, encouragement and provision of material resources to armed bands and mercenaries who seek to destabilize front-line and neighbouring States;

16. Commends the front-line and other neighbouring States for their unending sacrifice to the cause of freedom and human dignity in South Africa and calls upon the international community to increase its financial, material, political and moral support to the national liberation movements of South Africa and also the front-line States to enhance their capability to exert more pressure on the South African régime to ensure the immediate end of apartheid;

17. Calls upon the international community to render all possible assistance to the front-line States to enable them to rebuild their economies which have been adversely affected by South Africa's acts of aggression and destabilization, to withstand any further acts of aggression and destabilization and to encourage and support peace initiatives in the region;

18. Urges all States to continue to do everything in their power to increase support for the legitimate struggle of the South African people for freedom and equality;

19. Calls upon the Security Council to impose mandatory sanctions against the South African régime, in discharge of its responsibility under Chapter VII of the Charter of the United Nations in order to sustain the momentum for peaceful change to end apartheid in South Africa;

20. Takes note of the statement by Mr. F.W. de Klerk on 2 February 1990 and considers the release of Nelson Mandela, and the partial lifting of the ban on the national liberation movements and some mass democratic

organizations as constituting a step towards the elimination of apartheid and the establishment of a non-racial and democratic society in South Africa;

21. Urges the international community not to relax existing measures aimed at compelling the South African régime to eradicate apartheid until there is clear evidence of profound and irreversible change. The following measures have been adopted by certain countries and are commended to the wider international community for urgent adoption and implementation:

(a) Mandatory arms-embargo;

(b) Prohibition of the transfer of technology to South Africa;

(c) Cessation of the export, sale or transport of oil and oil products to South Africa and of any co-operation with South Africa's oil industry;

(d) Cessation of further investments in, and financial loans to, South Africa and of any governmental insurance guarantee of credits to the racist régime;

(e) Cessation of all promotion of or support for trade with South Africa, including governmental assistance to trade missions;

(f) Prohibition of the sale of krugqerrand and any other coins minted in South Africa;

(g) Prohibition of imports from South Africa of agricultural products, coal, uranium, iron and steel, etc.;

(h) Termination of any visa-free entry privileges and of the promotion of tourism to South Africa;

(i) Termination of air and shipping links with South Africa;

(j) Cessation of all academic, cultural, scientific and sports relations with South Africa and of relations with individuals, institutions and other bodies endorsing or based on apartheid;

(k) Suspension or abrogation of agreements with South Africa, such as agreements on cultural and scientific co-operation;

(l) Termination of double taxation agreements with South Africa;

(m) Ban on government contracts with majority-owned South African companies;

22. Strongly recommends to the General Assembly through the Economic and Social Council that, in order to fully sensitize international public opinion, particularly that of youth, to the realities of apartheid, a year be declared "Academic Year against Apartheid" and that the subject "The evils of apartheid" be taught in educational institutions throughout the world;

23. Recalls the adoption by the General Assembly of the International Convention against Apartheid in Sports in resolution 40/64 of 10 December 1985;

24. Endorses the recommendations of the Ad hoc Working Group of Experts contained in its report (E/CN.4/1990/7);

25. Decides that the Ad Hoc Working Group of Experts should continue to investigate and study the policies and practices which violate human rights in South Africa as well as infringements of trade union rights in South Africa, in accordance with Economic and Social Council resolution 1987/63 of 29 May 1987;

26. Requests the Ad Hoc Working Group of Experts, in co-operation with the Special Committee against Apartheid and other investigatory and monitoring bodies, to continue to investigate cases of torture and ill-treatment of detainees and deaths of detainees in South Africa;

27. Reviews its request to the régime of South Africa to allow the Ad Hoc Working Group of Experts to make on-the-spot investigations of the living conditions in prisons in South Africa and the treatment of prisoners in such a manner that:

(a) The Ad Hoc Working Group of Experts would be guaranteed free, confidential access to any prisoner, detainee, ex-prisoner, ex-detainee or any other persons;

(b) The South African régime would provide a firm undertaking that any person providing evidence for such an investigation would be granted immunity from any State action arising from participation in the investigation;

28. Requests the Ad Hoc Working Group of Experts to continue to bring to the attention of the Chairman of the Commission on Human Rights, for whatever action she may deem appropriate, particularly serious violations of human rights in South Africa which may come to its attention during its studies;

29. Authorizes the Chairman of the Ad Hoc Working Group of Experts, within existing resources, to participate in conferences, symposia, seminars or other events connected with action against apartheid organized under the auspices of the Special Committee against Apartheid;

30. Requests the Ad Hoc Working Group of Experts to submit its final report to the Commission at its forty-seventh session and to the General Assembly at its forty-sixth session;

31. Invites the Chairman of the Commission to do her utmost to play a more active role in supporting initiatives for promoting a negotiated solution to the South African problem;

32. Reiterates its earlier invitation to the Special Committee against Apartheid to strengthen co-operation with the Ad Hoc Working Group of Experts, in particular to transmit regularly all information that may assist the Group in carrying out its mandate;

33. Requests the Secretary-General to provide every assistance within available resources to enable the Ad Hoc Working Group of Experts to discharge its responsibilities in accordance with the relevant provisions of the present resolution;

34. Requests the Economic and Social Council to transmit the present resolution to the General Assembly, the Security Council, the Special Committee against Apartheid.

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session

Agenda item 7

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Algeria*, Bangladesh, Cuba, Egypt*, Ethiopia, Ghana, India, Iraq, Kenya*, Libyan Arab Jamahiriya, Madagascar, Morocco, Nigeria, Pakistan, Sudan*, Tunisia*, United Republic of Tanzania*, Zimbabwe*: draft resolution

The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa

The Commission on Human Rights,

Recalling General Assembly resolutions 3382 (XXX) and 3383 (XXX) of 10 November 1975, 31/33 of 30 November 1976, 33/23 of 29 November 1978, 35/32 of 14 November 1980, 36/172 A to P of 17 December 1981, 37/39 of 3 December 1982, 39/15 of 23 November 1984, 41/95 of 4 December 1986, and 43/92 of 8 December 1988,

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling General Assembly resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, and 3281 (XXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States,

Recalling also General Assembly resolutions 3171 (XXVIII) of 17 December 1973, relating to permanent sovereignty over natural resources of both developing countries and territories under colonial and foreign domination or subjected to the apartheid régime, and 3362 (S-VII) of 16 September 1975,

Bearing in mind its resolutions 7 (XXXIII) of 4 March 1977, 6 (XXXIV) of 22 February 1978, 9 (XXXV) of 5 March 1979, 11 (XXXVI) of 26 February 1980, 8 (XXXVII) of 23 February 1981, 1982/12 of 25 February 1982, 1983/11 of 18 February 1983, 1984/6 of 28 February 1984, 1985/9 of 26 February 1985, 1986/5 of 28 February 1986, 1987/9 of 26 February 1987, 1988/13 of 29 February 1988 and 1989/7 of 23 February 1989,

Taking into account, in particular, the relevant decisions adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-third ordinary session, held at Addis Ababa from 27 to 29 July 1987 (A/42/699, annex II) by the Council of Ministers of that Organization at its forty-sixth ordinary session, held at Addis Ababa from 20 to 25 July 1987 (A/42/699, annex I), by the Assembly of Heads of State and Government at its twenty-fourth ordinary session, held at Addis Ababa from 25 to 28 May 1988 (A/43/398, annex II), and by the Council of Ministers of that Organization at its fiftieth ordinary session, held at Addis Ababa, from 17 to 21 July, 1989,

Taking into account all the relevant resolutions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on this matter,

Taking note of the updated report prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa (E/CN.4/Sub.2/1989/9 and Add.1),

Reiterating its appreciation of the opinions, restated by the Group of Three members of the Commission appointed under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid, that the actions of transnational corporations which operate in South Africa come under the definition of the crime of apartheid and that article III of that Convention could apply to the actions of such transnational corporations (E/CN.4/1990/35, para. 35),

Reaffirming that any form of assistance given to the racist régime of South Africa constitutes a hostile act against the oppressed people of South Africa in their struggle for freedom and independence and obstructs efforts aimed at the elimination of colonialism, apartheid and racial discrimination in South Africa,

Reaffirming that the utmost priority must be accorded to ensuring the full implementation of international instruments as well as the resolutions of the United Nations for the eradication of racism, and apartheid and the liberation of the people of South Africa from the racist and colonial régime,

Noting with profound concern that the major Western and other trading partners of South Africa continue to collaborate with the racist régime, disregarding United Nations decisions relating to the total isolation of South Africa, and that their collaboration constitutes an obstacle to the liquidation of that racist régime and the elimination of the inhuman and criminal system of apartheid,

Concerned that the persistance of certain banking and international financial institutions in rescheduling Pretoria's international debt and the granting of new loans are hostile acts against the oppressed in South Africa and pose a major challenge to the Governments and peoples of the world committed to the speedy eradication of racist minority rule in that country,

Alarmed at the continued collaboration of those Western States and Israel with the racist régime of South Africa in the nuclear field,

Regretting that the Security Council has not been in a position to take binding decisions to prevent any collaboration in the nuclear field with South Africa,

Conscious of the continuing need to mobilize world public opinion against the political, military, strategic, economic and other forms of assistance given to the racist régime of South Africa,

Welcoming the establishment of the Action for Resisting Invasion, Colonialism and Apartheid Fund (AFRICA Fund) by the Eighth Conference of Heads of State or Government of Non-Aligned Countries, held in Harare from 1 to 6 September 1986, and the launching of the Fund following the AFRICA Fund summit meeting, held in New Delhi on 24 and 25 January 1987,

1. Reaffirms the inalienable right of the oppressed people of South Africa to self-determination, independence and enjoyment of the natural resources of their territories;

2. Again reaffirms the right of the people of South Africa to dispose of those resources for their greater well-being and to obtain just reparation for the exploitation, depletion, loss or depreciation of those natural resources, including reparation for the exploitation and abuse of their human resources;

3. Vigorously condemns the assistance rendered by the major Western countries and Israel to South Africa in the political, economic, financial and particularly the military field, expresses its conviction that this assistance constitutes a hostile action against the people of South Africa, and the neighbouring States, since it is bound to strengthen the military capability of the racist régime, and demands that such assistance be immediately terminated;

4. Condemns the continuing nuclear collaboration of those Western States, Israel and other States with the racist régime of South Africa and urges those States to cease and desist forthwith from supplying South Africa with nuclear equipment and technology, which enable it to develop a nuclear weapon capability which threatens peace and international security and obstructs efforts to eliminate apartheid;

5. Notes with appreciation the important measures taken by the Nordic and some Western States, parliamentarians, institutions, trade unions and non-governmental organizations in order to exert pressure on the racist régime of South Africa, and calls upon them to redouble and intensify their efforts to force the racist régime to comply with resolutions and decisions of the United Nations on South Africa;

6. Takes note with satisfaction of the disinvestment, trade restrictions and other positive measures taken by some countries and transnational corporations, and urges them to continue in this direction;

7. Notes with dissatisfaction and concern that certain States are taking advantage of the disinvestment measures and trade restrictions imposed by some States in South Africa to increase their own trade relations with that régime;

8. Calls once again upon all Governments that have not yet done so to take legislative, administrative or other measures in respect of their nationals and the bodies corporate under their jurisdiction and control that own and operate enterprises in South Africa with a view to putting a stop to their trading, manufacturing and investing activities in South Africa;

9. Calls again upon the same Governments to take measures to end all technological assistance or collaboration in the manufacture of arms and military supplies in South Africa and in particular to cease all collaboration with South Africa in the nuclear field;

10. Rejects all policies which encourage the racist régime of South Africa to intensify its repression of the people of South Africa and escalate its acts of aggression against the neighbouring States in defiance of the resolutions and decisions of the United Nations;

11. Welcomes the request of the General Assembly that the Security Council urgently consider complete and mandatory sanctions under Chapter VII of the Charter of the United Nations against the racist, colonial régime of South Africa in particular:

(a) The prohibition of all technological assistance or collaboration in the manufacture of arms and military supplies in South Africa;

(b) The cessation of all collaboration with South Africa in the nuclear field;

(c) The prohibition of all loans to, and all investment in, South Africa and the cessation of any trade with South Africa;

(d) An embargo on the supply of petroleum, petroleum products and other strategic goods to South Africa;

12. Demands that South Africa cease forthwith its acts of aggression aimed at undermining the economies and destabilizing the political institutions of neighbouring States;

13. Appeals to all States, specialized agencies, regional, intergovernmental and non-governmental organizations to extend all possible co-operation to the liberation movements of southern Africa recognized by the United Nations and the Organization of African Unity;

14. Welcomes the establishment of the Action for Resisting Invasion, Colonialism and Apartheid Fund, and appeals to the international community to contribute to the Fund;

15. Urgently requests all specialized agencies, particularly the International Monetary Fund, to refrain from granting any type of loan or financial assistance to the racist régime of South Africa;

16. Calls upon States, specialized agencies and regional, intergovernmental and non-governmental organizations to continue and intensify their campaign to mobilize international public opinion for the enforcement of economic and other sanctions against the Pretoria régime;

17. Expresses its appreciation to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for his updated report;

18. Reaffirms that the updating of the report on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonial régime of South Africa is of the greatest importance to the cause of fighting apartheid and other violations of human rights in South Africa;

19. Invites the Special Rapporteur

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist and colonialist régime of South Africa, giving such details regarding enterprises listed as the Rapporteur may consider necessary and appropriate, including explanations of responses, if any, and to submit the updated report to the General Assembly at its forty-fifth session;

(b) To use all available material from other United Nations organs, Member States, national liberation movements recognized by the Organization of African Unity, specialized agencies and other intergovernmental and non-governmental organizations, as well as other relevant sources in order to indicate the volume, nature and adverse human consequences of the assistance given to the racist régime of South Africa;

(c) To intensify direct contacts with the United Nations Centre on Transnational Corporations, the Centre against Apartheid of the Secretariat and the United Nations Council for Namibia, with a view to consolidating mutual co-operation in updating his report;

20. Invites the Secretary-General to give the updated report the widest dissemination, to issue it as a United Nations publication and to make it available to learned societies, research centres, universities, political and humanitarian organizations and other interested groups;

21. Calls upon all Governments to co-operate with the Special Rapporteur in making the report even more accurate and informative;

22. Decides to consider this matter at its forty-seventh session under the agenda item "The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa".

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session

Agenda item 6

THE ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE COLONIAL AND RACIST REGIME IN SOUTHERN AFRICA

Algeria*, Bangladesh, Cuba, Egypt*, Ghana, India, Iraq, Kenya*, Libyan Arab Jamahiriya, Madagascar, Morocco, Nigeria, Pakistan, Sudan*, Tunisia*, United Republic of Tanzania* and Zimbabwe*: draft resolution

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa

The Commission on Human Rights,

Recalling General Assembly resolutions 3382 (XXX) and 3383 (XXX) of 10 November 1975, 31/33 of 30 November 1976, 33/23 of 29 November 1978, 35/32 of 14 November 1980, 36/172 A to P of 17 December 1981, 37/39 of 3 December 1982, 39/15 of 23 November 1984, 41/95 of 4 December 1986, and 43/92 of 8 December 1988,

Recalling General Assembly resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, and 3281 (XXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States,

Recalling also General Assembly resolutions 3171 (XXVIII) of 17 December 1973, relating to permanent sovereignty over natural resources of both developing countries and territories under colonial and foreign domination or subjected to the apartheid régime, and 3362 (S-VII) of 16 September 1975,

Bearing in mind its resolutions 7 (XXXIII) of 4 March 1977, 6 (XXXIV) of 22 February 1978, 9 (XXXV) of 5 March 1979, 11 (XXXVI) of 26 February 1980, 8 (XXXVII) of 23 February 1981, 1982/12 of 25 February 1982, 1983/11 of 18 February 1983, 1984/6 of 28 February 1984, 1985/9 of 26 February 1985, 1986/5 of 28 February 1986, 1987/9 of 26 February 1987, 1988/13 of 29 February 1988 and 1989/7 of 23 February 1989,

Taking into account, in particular, the relevant decisions adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-third ordinary session, held at Addis Ababa from 27 to 29 July 1987 (A/42/699, annex II) by the Council of Ministers of that Organization at its forty-sixth ordinary session, held at Addis Ababa from 20 to 25 July 1987 (A/42/699, annex I), by the Assembly of Heads of State and Government at its twenty-fourth ordinary session, held at Addis Ababa from 25 to 28 May 1988 (A/43/398, annex II), and by the Council of Ministers of that Organization at its fiftieth ordinary session, held at Addis Ababa, from 17 to 22 July 1989,

Taking into account all the relevant resolutions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on this matter,

Taking note of the updated report prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa (E/CN.4/Sub.2/1989/9 and Add.1),

Reiterating its appreciation of the opinions, restated by the Group of Three members of the Commission appointed under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid, that the actions of transnational corporations which operate in South Africa come under the definition of the crime of apartheid and that article III of that Convention could apply to the actions of such transnational corporations (E/CN.4/1990/35, para. 35),

Reaffirming that any form of assistance given to the racist régime of South Africa constitutes a hostile act against the oppressed people of South Africa in their struggle for freedom and independence and obstructs efforts aimed at the elimination of colonialism, apartheid and racial discrimination in South Africa,

Reaffirming that the utmost priority must be accorded to ensuring the full implementation of international instruments as well as the resolutions of the United Nations for the eradication of racism, and apartheid and the liberation of the people of South Africa from the racist and colonial régime,

Noting with profound concern that the major Western and other trading partners of South Africa continue to collaborate with the racist régime, disregarding United Nations decisions relating to the total isolation of South Africa, and that their collaboration constitutes an obstacle to the liquidation of that racist régime and the elimination of the inhuman and criminal system of apartheid,

Concerned that the persistence of certain banking and international financial institutions in rescheduling Pretoria's international debt and the granting of new loans are hostile acts against the oppressed in South Africa and pose a major challenge to the Governments and peoples of the world committed to the speedy eradication of racist minority rule in that country,

Alarmed at the continued collaboration of those Western States and Israel with the racist régime of South Africa in the nuclear field,

Regretting that the Security Council has not been in a position to take binding decisions to prevent any collaboration in the nuclear field with South Africa,

Conscious of the continuing need to mobilize world public opinion against the political, military, strategic, economic and other forms of assistance given to the racist régime of South Africa,

Welcoming the establishment of the Action for Resisting Invasion, Colonialism and Apartheid Fund (AFRICA Fund) by the Eighth Conference of Heads of State or Government of Non-Aligned Countries, held in Harare from 1 to 6 September 1986, and the launching of the Fund following the AFRICA Fund summit meeting, held in New Delhi on 24 and 25 January 1987,

1. Reaffirms the inalienable right of the oppressed people of South Africa to self-determination, independence and enjoyment of the natural resources of their territories;

2. Again reaffirms the right of the people of South Africa to dispose of those resources for their greater well-being and to obtain just reparation for the exploitation, depletion, loss or depreciation of those natural resources, including reparation for the exploitation and abuse of their human resources;

3. Vigorously condemns the assistance rendered by the major Western countries and Israel to South Africa in the political, economic, financial and particularly the military field, expresses its conviction that this assistance constitutes a hostile action against the people of South Africa, and the neighbouring States, since it is bound to strengthen the military capability of the racist régime, and demands that such assistance be immediately terminated;

4. Condemns the continuing nuclear collaboration of those Western States, Israel and other States with the racist régime of South Africa and urges those States to cease and desist forthwith from supplying South Africa with nuclear equipment and technology, which enable it to develop a nuclear weapon capability which threatens peace and international security and obstructs efforts to eliminate apartheid;

5. Notes with appreciation the important measures taken by the Nordic and some Western States, parliamentarians, institutions, trade unions and non-governmental organizations in order to exert pressure on the racist régime of South Africa, and calls upon them to redouble and intensify their efforts to force the racist régime to comply with resolutions and decisions of the United Nations on South Africa;

6. Takes note with satisfaction of the disinvestment, trade restrictions and other positive measures taken by some countries and transnational corporations, and urges them to continue in this direction;

7. Notes with dissatisfaction and concern that certain States are taking advantage of the disinvestment measures and trade restrictions imposed by some States in South Africa to increase their own trade relations with that régime;

8. Calls once again upon all Governments that have not yet done so to take legislative, administrative or other measures in respect of their nationals and the bodies corporate under their jurisdiction and control that own and operate enterprises in South Africa with a view to putting a stop to their trading, manufacturing and investing activities in South Africa;

9. Calls again upon the same Governments to take measures to end all technological assistance or collaboration in the manufacture of arms and military supplies in South Africa and in particular to cease all collaboration with South Africa in the nuclear field;

10. Rejects all policies which encourage the racist régime of South Africa to intensify its repression of the people of South Africa and escalate its acts of aggression against the neighbouring States in defiance of the resolutions and decisions of the United Nations;

11. Welcomes the request of the General Assembly that the Security Council urgently consider complete and mandatory sanctions under Chapter VII of the Charter of the United Nations against the racist, colonial régime of South Africa in particular:

(a) The prohibition of all technological assistance or collaboration in the manufacture of arms and military supplies in South Africa;

(b) The cessation of all collaboration with South Africa in the nuclear field;

(c) The prohibition of all loans to, and all investment in, South Africa and the cessation of any trade with South Africa;

(d) An embargo on the supply of petroleum, petroleum products and other strategic goods to South Africa;

12. Demands that South Africa cease forthwith its acts of aggression aimed at undermining the economies and destabilizing the political institutions of neighbouring States;

13. Appeals to all States, specialized agencies, regional, intergovernmental and non-governmental organizations to extend all possible co-operation to the liberation movements of southern Africa recognized by the United Nations and the Organization of African Unity;

14. Welcomes the establishment of the Action for Resisting Invasion, Colonialism and Apartheid Fund, and appeals to the international community to contribute to the Fund;

15. Urgently requests all specialized agencies, particularly the International Monetary Fund, to refrain from granting any type of loan or financial assistance to the racist régime of South Africa;

16. Calls upon States, specialized agencies and regional, intergovernmental and non-governmental organizations to continue and intensify their campaign to mobilize international public opinion for the enforcement of economic and other sanctions against the Pretoria régime;

17. Expresses its appreciation to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for his updated report and decides to renew his mandate for a further two years;

18. Reaffirms that the updating of the report on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonial régime of South Africa is of the greatest importance to the cause of fighting apartheid and other violations of human rights in South Africa;

19. Invites the Special Rapporteur

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist and colonialist régime of South Africa, giving such details regarding enterprises listed as the Rapporteur may consider necessary and appropriate, including explanations of responses, if any, and to submit the updated report to the General Assembly at its forty-fifth session;

(b) To use all available material from other United Nations organs, Member States, national liberation movements recognized by the Organization of African Unity, specialized agencies and other intergovernmental and non-governmental organizations, as well as other relevant sources in order to indicate the volume, nature and adverse human consequences of the assistance given to the racist régime of South Africa;

(c) To intensify direct contacts with the United Nations Centre on Transnational Corporations, the Centre against Apartheid of the Secretariat and the United Nations Council for Namibia, with a view to consolidating mutual co-operation in updating his report;

20. Invites the Secretary-General to give the updated report the widest dissemination, to issue it as a United Nations publication and to make it available to learned societies, research centres, universities, political and humanitarian organizations and other interested groups;

21. Calls upon all Governments to co-operate with the Special Rapporteur in making the report even more accurate and informative;

22. Decides to consider this matter at its forty-seventh session under the agenda item "The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa".

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 17

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Bulgaria, Byelorussian SSR*, Czechoslovakia*, German Democratic Republic*, Hungary, Poland*, Romania*, Ukrainian SSR, Union of Soviet Socialist Republics: draft resolution

The Commission on Human Rights,

Recalling General Assembly resolutions 40/142 of 13 December 1985, 41/147 of 4 December 1986, 42/133 of 7 December 1987, 43/138 of 8 December 1988 and 44/158 of 15 December 1989,

Recalling also its resolutions 1986/18 of 10 March 1986, 1987/25 of 10 March 1987, 1988/28 of 7 March 1988 and 1989/16 of 2 March 1989,

Recalling further the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly in its resolution 260 A (III) of 9 December 1948,

Reaffirming its conviction that genocide is a crime which violates the norms of international law and runs counter to the spirit and aims of the United Nations,

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Expressing its conviction that strict observance by all States of the provisions of the Convention is necessary for the prevention and punishment of the crime of genocide,

1. Strongly condemns once again the crime of genocide;

2. Affirms the necessity of international co-operation in order to liberate mankind from this odious crime;

3. Takes note with appreciation of the fact that 100 States have ratified the Convention on the Prevention and Punishment of the Crime of Genocide or acceded thereto;

4. Urges those States that have not yet become parties to the Convention to ratify it or accede thereto without further delay;

5. Decides to consider the question of the status of the Convention on the Prevention and Punishment of the Crime of Genocide at the forty-eighth session of the Commission on Human Rights under the agenda item "Status of the International Covenants on Human Rights".

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session

Agenda item 7 (c)

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSSAL DECLARATION OF HUMAN RIGHTS AND THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS

Yugoslavia: draft resolution

GE.90-10741/5388A

Popular participation in its various forms as an important factor in development and in the full realization of all human rights

The Commission on Human Rights,

Recalling the relevant General Assembly and Economic and Social Council resolutions and decisions relating to the question of popular participation in its various forms as an important factor in development and in the full realization of all human rights,

Recalling further its resolutions on popular participation, including resolution 1989/14 of 2 March 1989 by which it requested the Secretary-General to submit a report containing further comments on the study on popular participation (E/CN.4/1985/10 and Add.1 and 2), made by Governments, United Nations organs, specialized agencies and non-governmental organizations for consideration at its forty-sixth session,

1. Takes note with appreciation of the report of the Secretary-General (E/CN.4/1990/8) containing, inter alia, information on the substantive replies received so far;

2. Requests the Secretary-General, in preparing the study for the Commission on Human Rights at its forty-seventh session, to once again use all channels at his disposal to collect the relevant information and substantive views and comments on the study on popular participation in its various forms as an important factor in development and in the full realization of all human rights (E/CN.4/1985/10 and Add.1 and 2);

3. Decides to consider the question of popular participation at its forty-seventh session under the sub-item of the agenda entitled "Popular participation in its various forms as an important factor in development and in the full realization of all human rights".

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COMMISSION ON HUMAN RIGHTS
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Agenda item 8

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

China, Cuba, Cyprus, Egypt, Ethiopia, India, Mexico, Nigeria
Peru, Poland*, Romania*, Senegal, Tunisia*, Venezuela,
Yugoslavia, draft resolution

The right to development

The Commission on Human Rights,

Recalling the resolutions of the General Assembly and the Commission on Human Rights on the right to development,

Reaffirming the principles contained in the Declaration on the Right to Development, proclaimed by General Assembly resolution 41/128 of 4 December 1986,

Bearing in mind General Assembly resolution 44/62 of 8 December 1989 calling upon the Commission on Human Rights to decide at its forty-sixth session on the future course of action, in particular on practical measures for the implementation and enhancement of the Declaration,

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*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Mindful that the Commission on Human Rights has entered a new phase on this matter, directed towards implementation and further enhancement of the right to development,

Aware of the need for a more co-ordinated United Nations action in this field within the United Nations system in the implementation and further enhancement of the right to development,

Reaffirming the need for an evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration,

Noting with appreciation the holding of the Global Consultation on the Right to Development as a Human Right, which was convened at Geneva between 8-12 January 1990, pursuant to the request contained in its resolution 1989/45 of 6 March 1989,

1. Reiterates the importance of the right to development for all countries, in particular the developing ones;

2. Takes note with interest of the Report on the Global Consultation (E/CN.4/1990/9) prepared by the Secretary-General pursuant to the Commission on Human Rights resolution 1989/45;

3. Requests the Secretary-General to transmit the Report to all Governments, United Nations organs, to the April 1990 Special Session of the General Assembly on International Economic Co-operation, to the Ad Hoc Committee of the Whole on the Preparation of the International Development Strategy for the Fourth United Nations Development Decade, to the Committee on Development Planning on its twenty-sixth session and to the Administrative Committee on Co-ordination, to the specialized agencies and other intergovernmental, governmental and concerned non-governmental organizations with a view to obtaining concrete comments and proposals for further international and national action aimed at strengthening the existing or creating possible new mechanisms for the promotion and protection of human rights, taking into account the ideas contained in Part III of the Report on the Global Consultation and the views expressed during the debate on the issue at the forty-sixth session of the Commission, including the creation of a group of experts;

4. Reiterates the need for a continuing evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development;

5. Recommends to the Economic and Social Council at its first regular session of 1990 and the General Assembly at its forty-fifth regular session to consider the question of the right to development including the conclusions and recommendations of the Report on the Global Consultation with a view to the implementation and further enhancement of the Declaration;

6. Requests the Office of the Director-General for Development and International Economic Co-operation and the Centre for Human Rights to continue to co-ordinate the various activities with regard to the implementation of the Declaration;

7. Further requests the Secretary-General to submit to the Commission on Human Rights at its forty-seventh session, under the agenda item entitled "Question of the realization of the right to development" a comprehensive report containing the comments and proposals referred to above, as well as information on the measures taken and suggestions for the continuing implementation of the Declaration of the Right to Development within the United Nations system;

8. Requests further the Secretary-General to publish the Report of the Global Consultation as part of the World Public Information Campaign for Human Rights and give it the widest possible circulation.

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 9

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLE UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

USE OF MERCENARIES AS A MEANS OF IMPEDING THE EXERCISE OF THE RIGHT OF PEOPLES TO SELF-DETERMINATION

Administrative and programme budget implications of draft resolution contained in document E/CN.4/1990/L.7

Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

A. Requests contained in the draft resolution

1. By operative paragraph 8 of draft resolution E/CN.4/1990/L.7, the Commission on Human Rights would decide to extend the mandate of the Special Rapporteur for two years in order to enable him to submit further conclusions and recommendations to the Commission.

B. Relationship of request to proposed programme of work

2. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 1, "Implementation of international standards, instruments and procedures", the objectives of and the strategy for which are described in paragraphs 6.20, 6.22 and 6.23 of the medium-term plan for the period 1984-1989 as extended through 1991.

3. The following programme element of section 23, Human Rights, of the programme budget for the biennium 1990-1991 is directly affected by the activities referred to in the draft resolution:

Programme element 1.3 - Servicing special procedures including assistance to ad hoc investigatory or fact-finding bodies

Output: (vii) Substantive servicing of 20 separate exercises of a fact-finding nature or other procedure dealing with alleged violations of human rights decided upon by policy-making organs during the biennium, including gathering and analysis of materials, consultations and field missions.

Output: (viii) Preparation of 20 reports to be submitted to the Commission on Human Rights and the General Assembly on fact-finding exercises mentioned in previous output.

C. Activities by which the proposed request would be implemented

4. It is envisaged that in order to carry out his mandate the Special Rapporteur would travel to Geneva in May/June 1990 and May/June 1991 for a period of five working days to hold consultations at the Centre for Human Rights and to organize and plan his work in relation to his mandate. The Special Rapporteur would travel to Geneva for a period of five working days in August/September 1990 and August/September 1991 in order to prepare his interim reports to the General Assembly at its forty-fifth and forty-sixth sessions, and in December 1990 or January 1991 and in December 1991 or January 1992 in order to prepare his final reports to the Commission on Human Rights at its forty-seventh and forty-eighth sessions. In October 1990 and in October 1991 the Special Rapporteur would travel to New York to present his interim reports to the General Assembly. In February/March 1991 and in February/March 1992 he would travel to Geneva for a period of five working days to present his reports to the Commission on Human Rights. In order to respond to invitations from Governments, the Special Rapporteur, accompanied by up to three staff members, would undertake a maximum of six field missions during the period 1990 to 1992.

5. Twelve work-months of temporary assistance at the P-3 level and twelve work-months at the GS level would be required to assist the Special Rapporteur during his two-year mandate in the gathering of information, compilation and analysis of material and assistance in the preparation for and conduct of missions, as well as in the preparation of his reports to the General Assembly and the Commission on Human Rights.

D. Modifications required in the programme of work

6. No modification would be required in the programme of work for 1990-1991, since the activity appears under programme element 1.3.

E. Additional requirements at full cost

7. The estimated cost of the above programme of work is itemized as follows:

	1990	1991	1992
		(US dollars)	
Two round trips to Geneva of the Special Rapporteur for consultations at the Centre for Human Rights May/June 1990 and May/June 1991 (5 working days each)			
Travel and subsistence	4 600	4 600	-
Two round trips to Geneva of the Special Rapporteur to prepare his reports to the General Assembly August/September 1990 and August/September 1991 (5 working days each)			
Travel and subsistence	3 500	3 500	-
Six field missions (three each year) of the Special Rapporteur, accompanied by up to three staff members from the Centre for Human Rights (calculated on a notional basis for a period of 5 working days each)			
Travel costs of Special Rapporteur	7 500	7 500	-
Travel costs of three staff members	18 000	18 000	
Two round trips to New York to submit interim reports to the General Assembly at its forty-fifth and forty-sixth sessions, October 1990 and October 1991 (5 working days each)			
Travel costs of Special Rapporteur	3 500	3 500	
Two round trips to Geneva of the Special Rapporteur to prepare his reports to the Commission on Human Rights at its forty-seventh and forty-eighth sessions, December 1990/January 1991 and December 1991/January 1992 (5 working days each)			
Travel and subsistence	4 600	4 600	-

	1990	1991 (US dollars)	1992
Two round trips to Geneva of the Special Rapporteur to the Commission on Human Rights February/March 1991 and February/March 1992 (5 working days each)			
Travel and subsistence	-	4 600	4 600
General temporary assistance			
12 work-months at P-3 level 1/	32 000	32 700	13 100
12 work-months at GS level 2/	22 000	22 700	9 100
Total	95 900	101 700	26 800

8. The relevant costs to be financed under section 23, Human Rights, are estimated at $95,000 for 1990, $101,700 for 1991 and $26,800 for 1992.

9. Should the services of an interpreter be required during the field missions, salary, travel and subsistence costs are estimated at $4,500 for each mission to be financed under section 29 B, Conference Services Division, Geneva.

10. This draft resolution is considered to be within the scope of perennial activities and resources therefore would be provided from the existing provision for the Economic and Social Council mandates under section 23 thus making it unnecessary to request any additional appropriation or to have recourse to the contingency fund.

Notes

1/ (5 w/m. in 1990, 5 w/m. in 1991, and 2 w/m. in 1992).

2/ (5 w/m. in 1990, 5 w/m. in 1991, and 2 w/m. in 1992).